IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 5344 of 2005

Between:

C.J.Subastian, Hotel Padmini, Rep.by Krishna Swamy, S/o.Narayana Swamy, R/o.1-1-147/1, S.D.Road, Secunderabad.

..... PETITIONER

AND

1 A.P.Transco (APCPDCL) rep.by its Superintending Engineer (operation) Secunderabad Circle, Mint Compound, Hyderabad.
2 A.P.Transco (APCPDCL) rep.by the Assistant Divisional Engineer, Operation, Paradice Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of mandamus declaring the notice issued by the 2nd respondent in AD/O/OSI/Sec/F.No.C.2331/D.No.102/95 dated 15-5-1995 as illegal, arbitrary and against the principles of natural justice and against section 26(6) of Meters of the A.P. Electricity Rules and pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.PASHAM.KRISHNA REDDY

Counsel for the Respondents: Mr. Ajay Kumar SC for AP Transco

The Court at the stage of admission made the following :

***ORAL ORDER*:**

Heard both sides. Perused the material placed before me.

The grievance of the petitioner is that pursuant to the notice dated 15.5.1995**,** the respondents are now resorting to disconnect the power supply to his hotel premises.

It appears that the second respondent issued a show cause notice dated 7-10-1995 to the petitioner and in turn the petitioner gave a reply notice on 4-1-1996.

Learned standing counsel appearing for the respondents submitted that virtually there is no disconnection so far to the said premises, but with an apprehension only, the petitioner filed this writ petition.

It is to be understood from the rival contentions placed on record that though the exchange of notices took place nearly a decade ago, no action had been initiated in this regard.

Having regard to the facts and circumstances of the case, and in view of the submission made by the learned standing counsel, suffice it to close the writ petition, with a direction to the respondents to pass appropriate orders on the reply given by the petitioner pursuant to the show cause notice dated 7-10-1995

issued by the second respondent and dispose of the matter in accordance with law. However, it is made clear that till passing of any such final orders, power supply to the petitioner's hotel premises shall not be disconnected. No costs.

Accordingly, the writ petition is disposed of. No costs.

16-03-2005

Note:

Issue CC by tomorrow

B/O

Kvsn

To

1 The Superintending Engineer (Operation) A.P.Transco (APCPDCL)
Secunderabad Circle, Mint Compound, Hyderabad.

2 The Assistant Divisional Engineer (Operation), A.P.Transco (APCPDCL)
Paradise Secunderabad.

3 Two CDs.